

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CONNIE L. STENBERG,

06-CV-437-AS

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE,¹
Commissioner, Social Security
Administration,

Defendant.

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Attorney for Plaintiff

¹On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security and, therefore, is substituted as the Defendant in this action pursuant to Fed. R. Civ. P. 25(d)(1) and 20 U.S.C. § 405(g).

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BROWN, Judge.

Magistrate Judge Donald C. Ashmanskas issued Findings and Recommendation (#16) on February 15, 2007, in which he recommended the Court affirm the Commissioner's decision denying Plaintiff's application for disability insurance benefits. Plaintiff filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th

Cir. 1981), *cert. denied*, 455 U.S. 920 (1982).

This Court has reviewed the record *de novo*, including Plaintiff's objections, and concludes the determinations of the Administrative Law Judge (ALJ) with respect to Plaintiff's functional limitations are supported by substantial medical evidence in the record. In addition, the Court concludes the ALJ gave legally sufficient reasons for finding that the testimony of Plaintiff and the lay witnesses was not credible and for rejecting the opinions of Plaintiff's treating physicians.

Accordingly, the Court does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Ashmanskas's Findings and Recommendation (#16). Accordingly, the Court **AFFIRMS** the Commissioner's decision and **DISMISSES** this matter.

IT IS SO ORDERED.

DATED this 30th day of April, 2007.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge